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June 7, 2021

### Via ECF

Honorable Edgardo Ramos  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v. Neil Cole*,  
19 Cr. 869 (ER)

Dear Judge Ramos:

On behalf of Neil Cole, we object to the government's letter request filed earlier this evening to "suspend the pretrial schedule." Any further delay in receiving the government's disclosures will unfairly impede the ability of the defense to prepare effectively for trial. We also object to the government's attempt to adjourn unilaterally the deadline for its production of pretrial materials to the defense by asserting that the government will "await the Court's decision . . . before making its production" on the schedule previously ordered by the Court. There is no proper basis for the government not to abide by the Order of this Court.

Trial of this case is currently scheduled for July 6. Under the Scheduling Order entered by the Court on February 17, 2020, the deadline for the government to produce its witness list, 3500 materials, *Giglio* materials and exhibits is tomorrow—four weeks before trial. The production of these materials should not be delayed further. First, it is unfair, unreasonable and unduly prejudicial for the defense to receive these materials later than four weeks prior to trial (as previously ordered by the Court) in a complex case involving alleged violations of the federal securities laws and other alleged offenses relating to a number of transactions during several reporting periods. Second,

Honorable Edgardo Ramos

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further delay in the government's production of these materials will cause additional unfair prejudice to Mr. Cole. There already has been unreasonable delay. The transactions charged in the indictment took place approximately 7-8 years ago. For the defense to have any prospect of making effective use of these materials given the passage of time (and the corresponding fading of memories and increasing staleness of the evidence), it is essential that the materials be produced by the government immediately.

Finally, although the government requested an adjournment of the trial on June 2, it did not at that time—or at any time prior to the eve of its disclosure deadline—suggest a delay in the pretrial schedule, even though it was aware that the *defense* had an imminent expert disclosure deadline. Given that the defense already has made its Rule 16 expert disclosures, it would be additionally unfair for the government to defer its pretrial disclosures.

Thank you for your consideration.

Respectfully submitted,

/s/ Lorin L. Reisner

Lorin L. Reisner

Richard C. Tarlowe

cc: Counsel of Record (by ECF)